IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION NO. OF 2006

PETITIONER : Bhuneshwar S/o Nanku Sav aged about 67 years, by caste Bani, occupation cultivation and business , resident of Teram, Tahsil Gharghoda District Raigarh (CG).

DEFENDANT

P.R. No. 2321/06 T.N. Dubey
Presented by Shri 21/2/06
dated

VERSUS

RESPONDENT: Mahesh Prasad S/o Nanku Sav, aged about 53 years, by caste Bani, occupation business, resident of at present Teram, Tahsil Gharghoda District Raigarh (CG).

PLAINTIFF

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE

XI-HC-22

(58)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 2330/2006 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29.11.2006

Shri Amrito Das, counsel for the petitioner.

Heard on admission.

By way of this writ petition, filed under Article 227 of the Constitution of India, the petitioner has challenged the legality of the order dated 21.12.2005, passed by the 3rd Additional District Judge (FTC), Raigarh. By the aforesaid order, the learned Court below has dismissed the application of the petitioner filed under Section 151 C.P.C. with a prayer to decide the issue No. 4 and 5 as preliminary issues in this case.

Learned counsel for the petitioner submits that these issues are related to the valuation of the suit and they should have been decided firstly by the Court for which, the prayer was made.

A perusal of the order would show that the Court below has taken this view that the matter is at the stage of evidence and it would be appropriate to decide these issues after taking evidence as according to the trial Court, the decision on the point would require some evidence.

There appears to be no illegality in the order passed by the Court below warranting interference under Article 227 of the Constitution of India.

The petition has no merit. The same is dismissed in limine.

Sd/-
Sunil Kumar Sinha
Judge

Sunita

(पीछे देखिये)